

Appl. No. : 10/026,066  
Filed : December 7, 2001

### REMARKS

Claims 1, 40-42, 54, 56, and 57 have been amended. No new claims have been added. Thus, Claims 1-5, 29-37 and 38-59 remain pending in the application, with Claims 1, 42, 54, 58 and 59 being the only independent claims. Support for the amendments to Claims 1, 40-42, 56, and 57 is found throughout the specification as originally filed, for example, at pages 107 and 108. Claim 54 has been amended to incorporate all of the elements of Claim 42, from which it previously depended. No new matter has been added with the foregoing amendment and newly added claims. Reconsideration is respectfully requested.

#### Objected-to Claim 54 and Allowable Subject Matter: Allowed Claims 58 and 59

The Examiner objected to Claim 54 as being dependent upon a rejected base claim, but stated that Claim 54 would be allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claims.

Applicants have amended Claim 54, which includes all of the limitations of base Claim 42.

Accordingly, Applicants respectfully request that Claim 54 be allowed.

Claims 58 and 59 have been allowed.

#### Rejections Under 35 U.S.C. § 102

##### *Zajac*

Claims 1-5, 29, 30, 33-35, 38-52 and 55-57 were rejected under 35 U.S.C. § 102(b) as allegedly anticipated by Zajac *et al.*, *Int. J. Cancer* 1997 71:491-496 ("Zajac"). The Examiner alleges that Zajac teaches a composition--TILs obtained from melanoma patients--comprising T cells that recognize the HLA-A2.1-restricted housekeeping epitope consisting of amino acid residues 27-35 of the Melan-A antigen.

Applicants respectfully submit that Zajac does not anticipate the claims as amended because, *inter alia*, TILs obtained from a melanoma patient would not include a sufficient number of a first T cell to be suitable for adoptive administration to a human or other animal.

*Kittlesen*

Claims 1-5, 29, 30, 33, 34, 36 and 38-41 were rejected under 35 U.S.C. § 102(b) as allegedly anticipated by Kittlesen *et al.*, *J. Immunol.* 1998 160:2099-2106 ("Kittlesen"). The Examiner alleges that Kittlesen teaches isolated T cells lines--tyrosinase-reactive T cells obtained from melanoma patients whose tumors express tyrosinase--that recognize the epitope consisting of the amino acid sequence KCDICTDEY of tyrosinase tumor-associated antigen from melanoma target cells.

Applicants respectfully submit that Kittlesen does not anticipate the claims as amended because, *inter alia*, tyrosinase-reactive T cells obtained from a melanoma patient would not include a sufficient number of a first T cell to be suitable for adoptive administration to a human or other animal.

*Jager*

Claims 1-5, 29-32, 35 and 38-41 were rejected under 35 U.S.C. § 102(b) as allegedly anticipated by Jager *et al.*, *J. Exp. Med.* 1998 187:265-270 ("Jager *et al.*"). The Examiner alleges that Jager teaches isolated CD4+ T cell lines and an HLA-A2 restricted CTL clonal line--NY-ESO-1-reactive T cells obtained from PBL and a needle biopsy from a melanoma patient--that recognize housekeeping epitopes.

Applicants respectfully submit that Jager does not anticipate the claims as amended because, *inter alia*, NY-ESO-1-reactive T cells obtained from PBL and a melanoma patient would not include a sufficient number of a first T cell to be suitable for adoptive administration to a human or other animal.

In view of the foregoing amendments and remarks, Applicants respectfully submit that none of the cited references anticipates the pending claims because the references do not teach, *inter alia*, T-cells in a sufficient number to be suitable for adoptive administration to a human. Accordingly, Applicants request withdrawal of the rejections under this section and allowance of the pending claims.

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### CONCLUSION

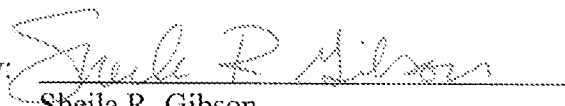
Applicants have endeavored to address all of the Examiner's concerns as expressed in the outstanding Office Action. Accordingly, arguments in support of the patentability of the pending claim set are presented above. In light of the above amendments and remarks, reconsideration and withdrawal of the outstanding rejections is specifically requested. If the Examiner finds any remaining impediment to the prompt allowance of these claims that could be clarified with a telephone conference, the Examiner is respectfully requested to initiate the same with the undersigned.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 19-3140.

Respectfully submitted,

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